

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

<b>(1) DEPARTMENT</b> Planning and Building	<b>(2) MEETING DATE</b> 5/22/2012	<b>(3) CONTACT/PHONE</b> Jo Manson, Planner III/ (805) 781-4660	
<b>(4) SUBJECT</b> Hearing to consider an amendment to Title 26 of the County Code, the Growth Management Ordinance, regarding fiscal year reference updates for the maximum number of new dwelling units allowed for the Nipomo Mesa area for Fiscal Year 2012-2013, maintenance of the 0% Cambria growth rate per fiscal year for the period from July 1, 2012 through June 30, 2015, and update of the frequency of approval of the Resource Management System Resource Summary Report.			
<b>(5) RECOMMENDED ACTION</b> The Planning Commission recommends the Board of Supervisors adopt the attached ordinance to approve the amendments to Title 26 of the County Code, Growth Management Ordinance as set forth in Attachment 2.			
<b>(6) FUNDING SOURCE(S)</b> Current County budget	<b>(7) CURRENT YEAR FINANCIAL IMPACT</b> \$0.00	<b>(8) ANNUAL FINANCIAL IMPACT</b> \$0.00	<b>(9) BUDGETED?</b> Yes
<b>(10) AGENDA PLACEMENT</b> <div style="display: flex; justify-content: space-between;"> <span>{ } Consent</span> <span>{ } Presentation (Time Est.____ )</span> <span><b>{X}</b> Hearing (Time Est. 30 minutes)</span> <span>{ } Board Business</span> </div>			
<b>(11) EXECUTED DOCUMENTS</b> <div style="display: flex; justify-content: space-between;"> <span>{ } Resolutions</span> <span>{ } Contracts</span> </div> <div style="display: flex; justify-content: space-between;"> <span><b>{X}</b> Ordinances</span> <span>{ } N/A</span> </div>		<b>(12) BUDGET ADJUSTMENT REQUIRED?</b> BAR ID Number: <div style="display: flex; justify-content: space-between;"> <span>{ } 4/5th's Vote Required</span> <span><b>{X}</b> N/A</span> </div>	
<b>(13) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)</b> N/A		<b>(14) W-9</b> <div style="display: flex; justify-content: space-between;"> <span><b>{X}</b> No</span> <span>{ } Yes</span> </div>	
<b>(15) LOCATION MAP</b>  N/A	<b>(16) BUSINESS IMPACT STATEMENT?</b>  No	<b>(17) AGENDA ITEM HISTORY</b>  <div style="display: flex; justify-content: space-between;"> <span>{ } N/A</span> <span>Date <u>5/8/2012, Item 2</u></span> </div>	
<b>(18) ADMINISTRATIVE OFFICE REVIEW</b>  Reviewed by Leslie Brown			
<b>(19) SUPERVISOR DISTRICT(S)</b> District 2 & District 4			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Jo Manson, Planner III

VIA: Kami Griffin, Assistant Planning Director, Department of Planning and Building

DATE: 5/22/2012

SUBJECT: Hearing to consider an amendment to Title 26 of the County Code, the Growth Management Ordinance, regarding fiscal year reference updates for the maximum number of new dwelling units allowed for the Nipomo Mesa area for Fiscal Year 2012-2013, maintenance of the 0% Cambria growth rate per fiscal year for the period from July 1, 2012 through June 30, 2015, and update of the frequency of approval of the Resource Management System Resource Summary Report.

## **RECOMMENDATION**

The Planning Commission recommends the Board of Supervisors adopt the attached ordinance to approve the amendments to Title 26 of the County Code, Growth Management Ordinance as set forth in Attachment 2.

## **DISCUSSION**

On August 12, 2008 the Board of Supervisors adopted changes to the Growth Management Ordinance (GMO), Title 26 of the County Code, to provide clean up and housekeeping updates of outdated references and information, and simplification for better understanding and efficiency. These changes have been implemented (Ordinance No. 3155). During preparation of the clean up amendments Planning staff identified that amendments to Section 26.01.070, General Procedures, were necessary prior to June 30, 2009, June 30, 2010 and June 30, 2011 and the changes have been implemented (Ordinance No's. 3178, 3194 and 3213). In addition, Planning staff has identified four (4) amendments to Section 26.01.070, General Procedures that are necessary prior to June 30, 2012. This staff report addresses Planning staff's proposed ordinance amendments for the Growth Management Ordinance that were introduced May 8, 2012.

On April 12, 2012 the Planning Commission held a public hearing regarding amendments to Title 26, GMO. The Planning Commission staff report and the draft minutes are included as Attachments 3 and 4 respectively. At the conclusion of the hearing the Planning Commission made a recommendation to the Board of Supervisors regarding the proposed amendments. Public comments focused on only one (1) of the proposed amendments in which new text is proposed for insertion into Section 26.01.070, j. (1) (a) (i). The proposed text for insertion states, "Prior to June 30, 2015, the Maximum Annual Allocation may be reevaluated. Any change to the Maximum Annual Allocation requires amendment to this Title." Members of the public requested that these two (2) sentences be deleted as they are not necessary. The Planning Commission concluded that all of the proposed amendments are recommended to the Board of Supervisors for approval, with one exception. The Planning Commission concluded that the proposed text to be added to Section 26.01.070, j.(1)(a)(i) as noted above, should be deleted.

The proposed ordinance which specifies the exact text to be revised and new text to be inserted by Section for approval by the Board of Supervisors is in Attachment 1. The proposed ordinance for adoption today is in Attachment 2.

## **BACKGROUND**

Attachment 1 shows proposed revisions to the Growth Management Ordinance, Title 26 of the County Code. Proposed text marked for deletion has a ~~strikeout~~ and the proposed text to be inserted is underlined. The proposed revisions are described below:

1. Section 26.01.070, b. – The current text regarding the annual review of the growth management program refers to an annual review of the Resource Management System. On November 22, 2011 your Board amended the Framework for Planning – Inland and Coastal Zone to require preparation of the Resource Management System Annual Summary Report every two years, or as otherwise directed by the Board of Supervisors, instead of every year as was previously required.

The proposed text changes state “The Board of Supervisors shall hold a public hearing to consider the ~~annual~~ summary report of the Resource Management System (RMS) as described in Framework for Planning of the general plan. The Resource Summary Report is prepared biennially or as otherwise directed by the Board of Supervisors. Following the review of the RMS, the Board shall evaluate the proposed growth rates for the ensuing fiscal year in light of the availability of resources and services necessary to accommodate new development and may initiate proceedings to amend this title to modify the annual growth rate based on the evaluation of the RMS data. For those intermittent years in which the Resource Summary Report is not prepared, the Board shall evaluate the proposed growth rates in light of the most recently Board of Supervisors’ approved Resource Summary Report.”

*Why the above text is proposed for change: The current text is out of date and requires revision because it still refers to an annual review of the Resource Management System. It is proposed that for those intermittent years in which the Resource Summary Report is not prepared, the Board shall evaluate the proposed growth rates in light of the most recently Board of Supervisors’ approved Resource Summary Report.*

2. Section 26.01.070, h. - The current text regarding the maximum number of new dwelling units allowed in the Nipomo Mesa area refers to “...the period of July 1, 2011 through June 30, 2012...”. The proposed text changes refer to “...the period of July 1, 2014~~2~~ through June 30, 2012~~3~~”.

*Why the above text is proposed for change: The current text will soon be outdated and needs to be revised to address the upcoming Fiscal Year 2012-2013. Each fiscal year the date references require revision to stay current with the upcoming fiscal year period.*

3. Section 26.01.070, j. (1) (a) (i) – On May 19, 2009 (Ordinance No. 3178) the Board of Supervisors adopted the current text regarding the Maximum Annual Allocation for the community of Cambria. The 2009 staff report presented by planning staff noted that through the most recent update to the North Coast area plan, the Planning Commission received testimony that accepting allocation requests for the Cambria area was confusing to applicants and created potentially false expectations for service. The recommendation was to set the growth rate at 0% in order to discontinue the stock-piling of allocation requests that could potentially be selected at the time the moratorium is lifted. In addition, the recommendation was to not accept further allocations for the growth management waiting list in Cambria due to the potential for misunderstanding and expectations of service.

On February 10, 2009 the Board of Supervisors approved the 2008 Annual Resource Summary Report. On June 8, 2010 the Board of Supervisors approved the 2009 Annual Resource Summary Report. The reports noted that the Cambria Community Services District (CCSD) has completed a Water Master Plan which calls for continued water conservation, the use of recycled water for irrigation with non-potable water, and desalinated seawater to augment its potable water supply. The report also noted that the CCSD is under a Water Shortage Emergency and has ceased issuing water connections until it obtains an additional water supply.

On April 26, 2011 the Board of Supervisors approved the 2009-2010 Annual Resource Summary report. The 2011 staff report presented by planning staff noted that Cambria was still at a Level of Severity III for water supply and that the Water Shortage Emergency was still in place.

The proposed text changes state “**Allocation for the years July 1, 2009~~12~~ through June 30, 2012~~15~~**”. Based on the County 2005 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 20, 2005, ~~and~~ the County 2008 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on February 10, 2009, ~~and the 2009-2010 Resource Management System (RMS) Resource Summary Report approved by the Board of Supervisors on April 26, 2011,~~ the Maximum Annual Allocation shall be set at 0% per fiscal year for the period from July 1, 2009~~12~~ through June 30, 2012~~15~~, resulting in no new allocation requests other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters and 8 grandfathered Allocations for new residences in Cambria each fiscal year in the period from July 1, 2009~~12~~ through June 30, 2012~~15~~.

*Why the above text is proposed for change: The fiscal year date references are extended to address the County 2005 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 20, 2005, the County 2008 Resource Management System (RMS) Annual Report approved by the Board of Supervisors on February 10, 2009, and the 2009-2010 Resource Management System Resource Summary Report approved by the Board of Supervisors on April 26, 2011.*

4. Section 26.01.070, j. (1) (b) - The current text refers to Section 26.01.070, j. (1) (a) (i) with reference to “...the period of July 1, 2009 through June 30, 2012...” The proposed text changes refer to “...the period of July 1, 2009~~12~~ through June 30, 2012~~5~~”.

*Why the above text is proposed for change: The current text requires revision to be consistent with the revision made to Section 26.01.070, j. (1) (a) (i).*

## **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed and approved the proposed ordinance as to form and codification. Referrals were sent to the South County Advisory Council, Nipomo Community Services District, Cambria Community Services District and the North Coast Advisory Council.

## **FINANCIAL CONSIDERATIONS**

The proposed ordinance amendments are covered by the current department budget as a county-initiated amendment.

## **RESULTS**

Adoption of the proposed ordinance will allow the amendments to become effective in 30 days. Denial of any of the amendments will mean that the proposed amendments would not become effective.

## **ATTACHMENTS**

1. Proposed Ordinance showing additions and deletions
2. Ordinance for Adoption
3. Planning Commission Staff Report (April 12, 2012)
4. Draft Planning Commission minutes (April 12, 2012)